

## **REMARKS**

### **Summary**

Claims 1-20 stand in this application. Claim 21 has been canceled without prejudice. Claims 1, 6, 11 and 16 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claims 1, 6, 11 and 16 in order to facilitate prosecution on the merits. Support for the above amendments can be found in the specification at least at paragraph [0016].

### **Claim Objections**

Claim 21 stands objected to as being a substantial duplicate of claim 18. Applicant respectfully submits that claim 21 has been canceled without prejudice. Consequently, withdrawal of the claim objection is respectfully requested.

### **35 U.S.C. § 102**

At page 3, paragraph 5 of the Office Action claims 1-21 stand rejected under 35 U.S.C. § 102 as being anticipated by United States Patent Number (USPN) 6,628,340 to Graczyk et al. ("Graczyk"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102, the cited reference must teach every element of the claim. *See* MPEP § 2131, for

example. Applicant submits that Graczyk fails to teach each and every element recited in claims 1-21 and thus they define over Graczyk. For example, with respect to claim 1, Graczyk fails to teach, among other things, the following language:

a control panel disposed on a computing platform....

Applicant respectfully submits that Graczyk fails to teach, suggest or disclose the missing language.

Applicant respectfully submits that Graczyk, arguably, teaches a remote control (52) that is connected to a system via an infrared connection. By way of contrast, the claimed subject matter teaches a control panel that is disposed on a computing platform. Applicant respectfully submits that the wireless infrared remote control of Graczyk is clearly different than a control panel disposed on a computing platform as recited in independent claim 1. Therefore, Applicant respectfully submits that claim 1 defines over Graczyk.

Applicant respectfully submits that he has been unable to locate any teaching in Graczyk directed to the above recited language of claim 1. Consequently, Graczyk fails to disclose all the elements or features of the claimed subject matter. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 1. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 2-5, which depend from claim 1 and, therefore, contain additional features that further distinguish these claims from Graczyk.

Claims 6, 11 and 16 recite features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claims 6, 11 and 16 are not anticipated and are

patentable over Graczyk for reasons analogous to those presented with respect to claim 1.

Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claims 6, 11 and 16. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 7-10, 12-15 and 17-20 that depend from claims 6, 11 and 16 respectively, and therefore contain additional features that further distinguish these claims from Graczyk.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above.

Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-20 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

Appl. No. 10/812,652  
Response Dated August 30, 2007  
Reply to Office Action of May 30, 2007

Docket No.: 042390.P17866  
Examiner: Sitta, Grant  
TC/A.U. 2629

The Examiner is invited to contact the undersigned at 724-933-9338 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to deposit account 50-4238.

Respectfully submitted,

KACVINSKY LLC

/John F. Kacvinsky/

John F. Kacvinsky, Reg. No. 40,040  
Under 37 CFR 1.34(a)

Dated: August 30, 2007

KACVINSKY LLC  
C/O Intellevate  
P.O. Box 52050  
Minneapolis, MN 55402  
(724) 933-5529